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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,400	03/30/2004	Kristofor R. Behn	2599-0002	1752

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,400

Applicant(s)

BEHN ET AL.

Examiner

Robert J. Sandy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: In claim 1, line 6, the phrase "each of said secondary straps having two ends one of which is secured to said connector" should be changed to "each of said secondary straps having two ends, one of the ends of which is secured to said connector" for proper grammar. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7, the phrase "at the other end of said first elongated strap" appears to be misdescriptive since "the other end" of the first elongated strap was established in claim 1 as having "a connector attached" thereto; and the specification appears to not have antecedent basis for the claimed subject matter. It would appear that a second attachment member would correspond to being at the end including the first attachment mechanism.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, 9, and 10, are rejected under 35 U.S.C. 102(b) as being anticipated by Barbarite et al. (U. S. Patent No. 6,425,167). Barbarite et al. ('167) discloses a holder for multiple items comprising: a first elongated strap (12) with two ends and including a first attachment mechanism (lower strap attaching end of hook 26) at one end, a connector (24)

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attached to the other end of said first elongated strap, a plurality of secondary elongated straps (14, 16, 18, 20, 22), each for removably holding an independent item, each of said secondary straps having two ends one of which is secured to said connector with the other end being connected to a separate holder (28, 30, 32, 24, 36);

(concerning claim 2) each of the separate holders are identical;

(concerning claim 7, as best understood), further including a second attachment member (the gate and hooked end of hook 26) at the one end of said first elongated strap;

(concerning claim 9) the separate holders comprise spring closed clamps (i.e., "spring biased clips" .... "alligator"-type clips", col. 1, lines 58-59);

(concerning claim 10) the separate holders comprise snap clips (i.e., "spring biased clips" .... "alligator"-type clips" do snap by release the jaw handles when the jaws are in an open position).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbarite et al. ('167) in view of Olaiz (U. S. Patent No. 5,702,039).

Concerning claim 3, Barbarite et al. ('167) discloses the claimed holder except for wherein the holders are each different from one another. Olaiz ('039) shows an analogous holder having separate holders (ring 44, see Figs. 2 and 3) that are different from one another. It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the separate holders of Barbarite et al. ('167) to be different from one another since Diaz ('039) demonstrates how different separate holders are utilized to accommodate and hold structurally different articles for the purposes of securing a variety of articles.

Concerning claim 8, Barbarite et al. ('167) discloses the claimed holder except for wherein the separate holders comprise rings. Olaiz ('039) shows an analogous holder having separate holders that are rings. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided rings, as taught by Olaiz ('039), to replace the clips of Barbarite et al. ('167) since Olaiz ('039) demonstrates how rings can universally accommodate the attachment of specific articles, such as keys, and toys, that are not intended to be detached from the holder.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbarite et al. ('167) in view of Vasilopoulos (U. S. Patent No. 5,722,125). Barbarite et al. ('167) discloses the claimed holder except for wherein each of the secondary straps are elastic. Vasilopoulos ('125) show an analogous holder having separate elastic straps (30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the holder of Barbarite et al. ('167) to have separate elastic straps since straps that are elastic would allow more mobility of the held articles beyond a limited reach from the main strap, thereby preventing detachment of the articles from their respective separate holder. Additionally, to have each of the separate straps being elastic would also be a matter of design choice since applicant has not disclosed that an elastic strap solves any stated problem or is of any particular purpose.

Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barbarite et al. ('167). Barbarite et al. ('167) discloses the claimed holder except for wherein each of said separate straps is formed from a stiff material.; and wherein the stiff material has some degree of flexibility. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a stiff material having some degree of flexibility for the separate straps, in order to minimize the straps from becoming tangled with one another and with the other first strap in such cases when storing the holder in an unwrapped state. Additionally, to have each of the separate straps of a

stiff material would also be a matter of design choice since applicant has not disclosed that the stiff material solves any stated problem or is of any particular purpose.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbarite et al. ('167) in view of Stewart (U.S. Patent No. 3,460,207). Barbarite et al. ('167) discloses claimed holder except for wherein the first elongated strap is a molded, one-piece structure. Stewart ('207) show an analogous holder having a strap of a molded, one-piece structure of leather (col. 2, line 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the elongated strap of the holder of Barbarite et al. ('167), since Stewart ('207) recognized that leather is a material used to form straps for article holders, and that leather performs equally well compared to woven straps. Also, leather is easily and cost effectively formed into straps having specific-use profiles.

#### *Allowable Subject Matter*

Claims 11, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ROBERT J. SANDY  
PRIMARY EXAMINER